

# District Attorney

Brad Fenocchio, District Attorney

## MISSION STATEMENT

To pursue justice, protect victims' rights and public safety on behalf of the people of the State of California and the County of Placer. Through vigorous, equal, and efficient enforcement of the criminal law, prosecutors working on behalf of the Office of the District Attorney represent the people of the State of California in the criminal justice system and work with law enforcement agencies to assure the rights of the innocent, to prosecute and hold accountable the guilty, and to protect victims' and witnesses' rights.

## DISTRICT ATTORNEY FUND 110 / APPROPRIATION 21710

	Actual 2003-04	Actuals 2004-05	Requested 2005-06	Recommended 2005-06	Change %	Adopted 2005-06
<b>Expenditures</b>						
Salaries and Employee Benefits	\$ 8,671,868	\$ 9,525,514	\$ 11,522,536	\$ 11,260,980	18%	\$ 11,981,480
Services and Supplies	1,329,400	1,367,562	1,357,510	1,222,405	-11%	1,285,985
Other Charges	8,676	6,925	-	-	-100%	-
Capital Assets	-	72,891	-	-	-100%	-
Intra Fund Charges	870,847	737,291	1,656,668	1,656,668	125%	1,656,668
<b>Gross Budget:</b>	<b>10,880,791</b>	<b>11,710,183</b>	<b>14,536,714</b>	<b>14,140,053</b>	<b>21%</b>	<b>14,924,133</b>
Intra Fund Credits	(68,316)	(62,005)	(57,359)	(57,359)	-7%	(57,359)
Appropriations for Contingencies	-	-	-	-	0%	-
<b>Net Budget:</b>	<b>\$ 10,812,475</b>	<b>\$ 11,648,178</b>	<b>\$ 14,479,355</b>	<b>\$ 14,082,694</b>	<b>21%</b>	<b>\$ 14,866,774</b>
<b>Revenue</b>						
Fines, Forfeits and Penalties	\$ 137,979	\$ 72,946	\$ 102,600	\$ 102,600	41%	\$ 102,600
Intergovernmental Revenue	4,763,207	5,022,236	5,176,842	5,176,842	3%	5,362,760
Charges for Services	50,333	47,320	48,364	48,364	2%	48,364
Miscellaneous Revenue	631	101,526	-	-	-100%	-
Other Financing Sources	6,840,547	6,891,803	6,840,547	7,278,337	6%	7,760,608
Special Items	-	-	632,241	632,241	100%	632,241
<b>Total Revenue:</b>	<b>11,792,697</b>	<b>12,135,831</b>	<b>12,800,594</b>	<b>13,238,384</b>	<b>9%</b>	<b>13,906,573</b>
<b>Net County Cost:</b>	<b>\$ (980,222)</b>	<b>\$ (487,653)</b>	<b>\$ 1,678,761</b>	<b>\$ 844,310</b>	<b>-273%</b>	<b>\$ 960,201</b>
Allocated Positions	107	107	114	112	5%	120

## CORE FUNCTION

### District Attorney Services

Prosecutes serious and violent crime throughout the County and assists with criminal investigations conducted by law enforcement agencies; makes reasoned and ethical decisions in initiating prosecutions; provides aid and assistance to those who have been victimized by crime; and directs resources to prosecute criminal misconduct.

### FY 2004-05 Major Accomplishments

- Successfully conducted prosecution of over 5,500 cases, including homicide cases, such as the murder of 17-year-old Justine Vanderschoot – a 2-defendant case – time dedicated to prosecution efforts 2 attorneys and 15 months.
- Successfully implemented cost savings activities to limit expenditure without compromising the effective prosecution of any criminal case.

### Public Protection Services

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- Successfully provided 24-hour standby assistance to law enforcement agencies.
- Successfully provided 24-hour standby assistance to victims of domestic violence and elder abuse.

## FY 2005-06 Planned Accomplishments

- Continue to appropriately investigate, review and charge criminal cases in a timely manner.
- Continue to obtain timely resolutions of criminal cases, including a growing number of South County case referrals.
- Continue to seek justice for the victims of crime and ensure that victims receive appropriate restitution.
- Continue to provide support to victims and witnesses through the Victim Witness Program including relocation of victims and continue providing funeral / burial assistance.
- Continue to seek appropriate punishment and accountability for those convicted criminal acts.
- Continue to be available to law enforcement officers 24-hours a day for assistance, such as search warrant review.
- Continue to pursue additional office revenue and review the necessity of additions to prosecutorial staff.
- Continue planning the office's move to the South Placer Criminal Justice Facility.

## Department Comments

Growth continues to occur, creating an increase in population and law enforcement personnel - especially in the South County. Accordingly, this office has seen an increase in criminal case referrals. We are responsible for any increased number of cases filed in court as a result of our review of the increased number of criminal case referrals. This creates the necessity for more court appearances. We have strained to maintain service levels for all the law enforcement departments countywide. In doing so, we have had to absorb **any** increased caseload and disperse it among a staff that has reduced in number.

It is our desire to continue to appropriately process all criminal case referrals to assure that those responsible for crimes are held accountable and that public safety is uncompromised. Our goal is to continue do our part to protect public safety.

It is our view that, in part, people are moving into the County because they feel secure in that their safety is protected by adequate law enforcement. For the entire Criminal Justice System to function properly and fully afford such public safety protection, there must also be adequate prosecutorial resources and court resources. Else wise, criminal conduct cannot be fully addressed merely by making arrests. Full accountability and justice for victims comes through the prosecution of those arrested for criminal conduct.

We believe that the point has been reached where, quite simply, the cost of adding personnel must become a lesser priority than the necessity of affording protection to the public. We did all we could over the last two years to hold down costs. It is now time to re-examine whether we can maintain the same level of service to a rapidly growing county using resources that were stretched thin two years ago.

This county is no longer small. Like a growing adolescent, we will be strained and confined if, through sheer economics, we are forced to wear the clothes that fit us two years ago. We are Sacramento's next-door neighbor. We have begun to develop more in common with that metropolitan area than remains similar with other more rural counties. This commonality includes growth, more housing, more businesses, more streets and roadways, more restaurants, bars, stores and shopping centers. Unfortunately, with all of that comes a certain increase in crime.

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Clearly, this is being addressed with an increase in law enforcement staff. Now, it must also necessitate an increase in resources for the prosecution of increased criminal conduct.

Additionally, the elected District Attorney is seeking to augment retirement benefits for attorney staff and management.

A retirement benefit increase would create an equitable circumstance for someone who spent virtually their entire adult life in a career dedicated to the pursuit of justice.

## County Executive Comments And Recommendations

The department's requested budget includes base funding to maintain service levels for FY 2005-06 plus supplemental funding to address workload impacts resulting from the population growth in the County, and related increases in crime and case referrals from city law enforcement. The District Attorney has requested \$627,567 to add seven new positions, systems technology upgrades, and increases in record keeping and documentation costs. Recommended are 5 new positions, including 3 deputy district attorneys and 2 legal secretaries for  $\frac{3}{4}$  of a year (\$335,275) to help manage the increased caseloads and sustain public safety for the County. Another \$65,000 is included in the recommended budget for case management system costs and printing increases. The General Fund contribution to this budget of \$7,910,578 is \$1,070,031 more than FY 2004-05, representing a 15.6% increase to augment base budget costs and recommended supplemental requests. Included in this year's budget to recognize the total costs of providing public safety services, and offset by a General Fund contribution, are A-87 charges (essential business services provided by other county departments). The remainder of this budget is funded from revenues, including public safety sales taxes and other intergovernmental revenues from the State, and public safety fund balance. Should revenues or fund balance not materialize as anticipated, final budget adjustments may be necessary to balance the budget. In the event excess revenues or other funding become available, the following supplemental requests are recommended for consideration:

- Deputy district attorney position (\$107,615)
- One new investigative assistant position (\$63,549)

Further funding priorities identified by the District Attorney but not recommended at this time due to funding constraints are 5 deputy district attorney positions (\$484,995) to staff a gang prosecution unit, expand the child sexual assault unit and victims services, and to create an identity theft, computer crimes, and homicide unit. Staff needed to support these work efforts are: 2 investigators (\$176,708), 1 investigative assistant (\$54,334), 2 claims specialists (\$88,132), and 4 legal secretary positions (\$176,256).

## Final Budget Changes from the Proposed Budget

Public Safety Fund balance available of \$896,621, along with increased Public Safety Sales Tax revenue (\$185,918) and an augmentation to the General Fund contribution (\$482,271) will provide funding for recommended expenditure increases of \$784,080 and balance the budget. Expenditure increases will provide funding for 3 deputy district attorneys, 5 legal secretaries, and 3 existing investigator positions along with office supplies and equipment. The 8 positions added with the final budget are in addition to the 3 new deputy district attorneys and 2 legal secretaries included with the proposed budget for a total of 13 new position allocations for FY 2005-06. The department cancelled the reserve account, Designation for Automation (\$63,580) to fund technology improvements.

CORE FUNCTION: DISTRICT ATTORNEY

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## General Criminal Case Determinations Program

**Program Purpose:** To review and file charges in criminal cases and to represent the people in the State of California and County of Placer in court in order to hold the guilty accountable and protect public safety.

**Total Expenditures:** \$11,920,105

**Total Staffing:** 87.00

- **Key Intended Outcome:** To effectively represent the people in the state and County of Placer in court.

General Criminal Case Determinations Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
# of felony / misdemeanor / juvenile and drug court appearances*	60,983	60,927	64,725	62,541
# of felony cases filed*	2,004	2,088	2,392	2,325
# of misdemeanor cases filed*	4,288	4,578	5,113	4,433
# of juvenile cases filed*	805	725	683	616
% of felony conviction rate**	N/A	86.5%	86%	89%
% of misdemeanor conviction rate**	N/A	88%	87%	88%
% of juvenile conviction rate**	N/A	86%	84%	82%
# of felony family protection cases convicted	N/A	118	120	123
# of misdemeanor family protection cases convicted	N/A	347	406	404
# of Three Strike cases convicted	N/A	102	146	143
# of sexual assault cases convicted	N/A	124	106	85
# of driving under the influence (DUI) cases convicted	N/A	1,703	1,784	1,680
# of felony cases referred from all agencies	N/A	3,911	4,215	4,054
# of misdemeanor cases referred from all agencies	N/A	5,506	5,737	5,902
# of juvenile cases referred from all agencies	N/A	998	999	889

Notes:

\*Includes cases ultimately dismissed for insufficient evidence, or in the interest of justice, or for other legal reasons.

\*\*It is difficult to determine conviction rates in these matters on a fiscal year basis. Many cases cannot be adjudicated within the fiscal year in which they were filed.

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## Investigations Program

**Program Purpose:** To assist attorneys by conducting supplemental and pre-trial investigations of criminal and civil offenses, and to locate and return parentally abducted children.

**Total Expenditures:** \$1,744,406

**Total Staffing:** 15.00

- **Key Intended Outcome:** Attorneys will continue to receive the information and support necessary to present clear and concise cases and children are returned to appropriate locations.

Investigations Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
# of cases referred	2,821	3,085	3,299	3,241
# of abduction / custody cases	14	16	14	12
% of children recovered	100%	100%	100%	100%

## Victim Services Program

**Program Purpose:** To provide advocacy and assistance to witnesses and victims of crime and witnesses by obtaining restraining orders and assisting with restitution through the State Board of Control.

**Total Expenditures:** \$872,203

**Total Staffing:** 12.00

- **Key Intended Outcome:** Victims will continue to be aided during a time of crisis and assisted in their recovery.

Victim Services Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
# of new victims assisted	1,604	1,131	2,072	2,456
# of restitution claims submitted on behalf of the victims	716	790	616	668

## Bad Check Program

**Program Purpose:** To collect full payment for bad checks written to local businesses and merchants at no cost to the victims in order to assist merchants in the recovery of lost business proceeds.

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**Total Expenditures:** \$0

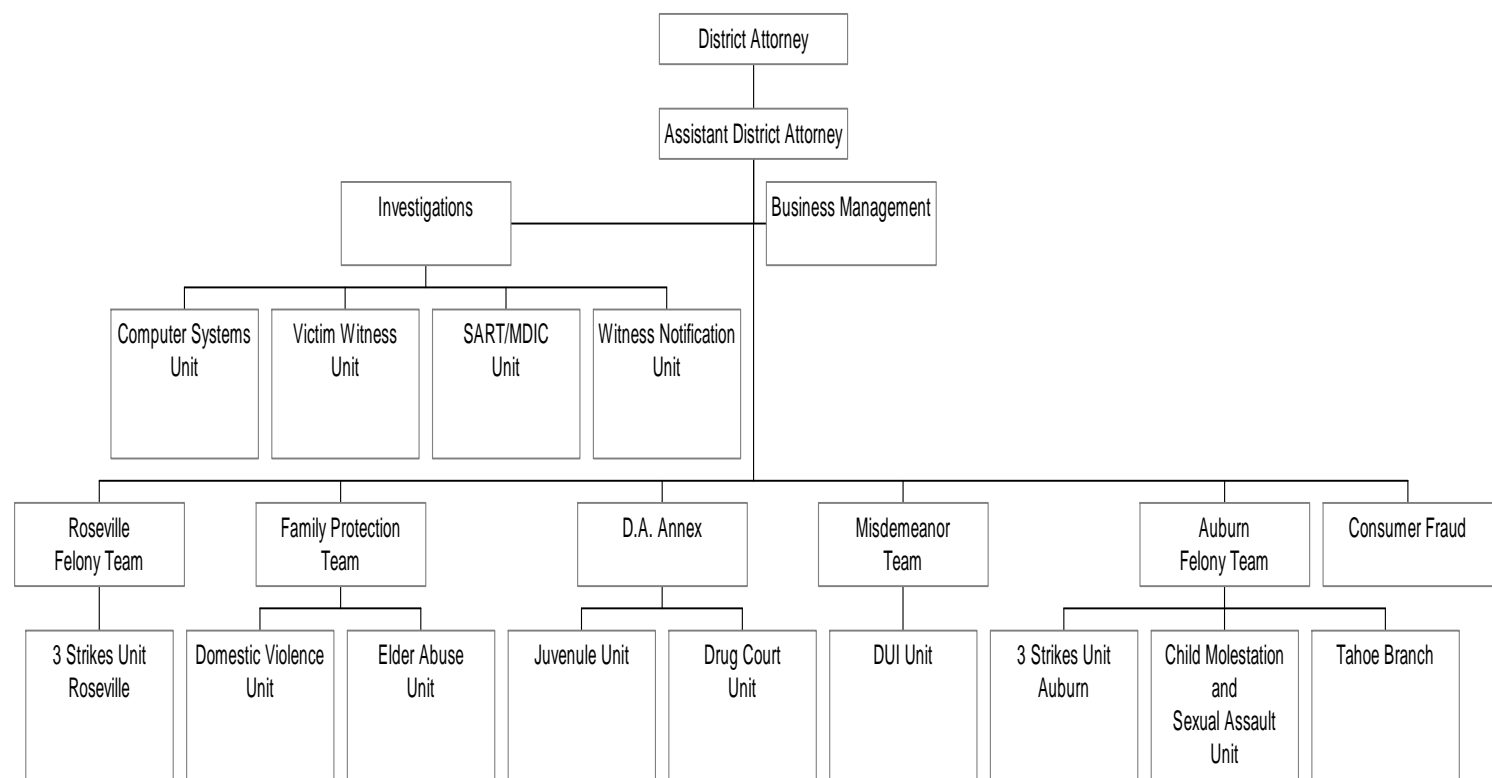
**Total Staffing:** 0.00

- **Key Intended Outcome:** Merchants' losses through bad checks will be reduced.

Bad Check Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
\$ recovered thus far	\$192,319	\$231,979	\$183,871	\$235,100
% of total checks recovered	75%	79%	86%	79%

**Program Comments:** Contracted to Computer Support Services for collection. Occasionally requires General Fund expenditures for prosecution.

# DISTRICT ATTORNEY



POSITIONS: 120

**DISTRICT ATTORNEY  
APPROPRIATION SUMMARY  
Fiscal Year 2005-06**

**ADMINISTERED BY:      DISTRICT ATTORNEY**

Appropriation	FY 2004-05		FY 2005-06	
	Actual	Position Allocations	BOS Adopted Budget	Position Allocations
<b>OTHER OPERATING FUND</b> District Attorney - Fund 110	\$ 11,648,178	107	\$ 14,866,774	120
<b>TOTAL ALL FUNDS</b>	\$ 11,648,178	107	\$ 14,866,774	120



# District Attorney

## Public Safety Operations Fund

Fund: 110

Subfund: 0

Appropriation: 21710

Budget Category (1)	Actual 2003-04 (2)	Actual 2004-05 (3)	Dept Req 2005-06 (4)	CEO Rec 2005-06 (5)	BOS Adopted 2005-06 (6)
<b>Salaries &amp; Benefits</b>					
1002 Salaries and Wages	6,384,691	6,530,490	7,870,389	7,751,803	8,288,427
1003 Extra Help	66,075	77,489	79,677	60,583	60,583
1005 Overtime & Call Back	7,134	6,896	4,000	4,000	4,000
1006 Sick Leave Payoff		2,000			
1007 Comp for Absence-Illness		8,683			
1099 Salaries and Wages Undistributed		237			
1300 P.E.R.S.	760,577	1,311,546	1,759,966	1,678,177	1,815,995
1301 F.I.C.A.	449,414	479,137	608,482	577,612	618,664
1310 Employee Group Ins	743,277	873,928	978,678	978,678	978,678
1315 Workers Comp Insurance	260,700	235,108	221,344	210,127	215,133
<b>Total Salaries &amp; Benefits</b>	<b>8,671,868</b>	<b>9,525,514</b>	<b>11,522,536</b>	<b>11,260,980</b>	<b>11,981,480</b>
<b>Services &amp; Supplies</b>					
2050 Communications - Radio	7,115	6,788			
2051 Communications - Telephone	135,973	141,691	135,355	135,355	135,355
2130 Insurance		6,760			
2140 Gen Liability Ins	237,427	169,951	132,290	132,290	132,290
2254 Witness & Criminal Indictment	7,526	6,431	18,000	18,000	18,000
2257 Witness Fees	2,725	2,275	40,000	40,000	40,000
2290 Maintenance - Equipment	12,910	14,158	12,000	12,000	12,000
2405 Materials - Bldgs & Impr	19,113	26,612	12,000	12,000	12,000
2439 Membership/Dues	24,992	20,423	21,345	21,345	21,345
2481 PC Acquisition	112,490	12,156			
2511 Printing	68,788	69,979	65,000	64,725	64,725
2522 Other Supplies	24,526	26,064	42,605	57,775	102,075
2523 Office Supplies & Exp	41,708	41,055	35,000	35,000	35,000
2524 Postage	12,244	12,190	15,500	15,500	15,500
2555 Prof/Spec Svcs - Purchased	354,010	372,530	390,442	390,442	401,722
2556 Prof/Spec Svcs - County		87,495			
2709 Rents & Leases - Computer SW	36,434	38,123	46,940	46,940	46,940
2711 Rents & Leases - Auto	76,531	57,609	80,000	80,000	80,000
2727 Rents & Leases - Bldgs & Impr	59,499	60,636	63,233	63,233	63,233
2770 Fuels & Lubricants	14,427	14,010	15,800	15,800	15,800
2809 Rents and Leases-PC	3,365				
2838 Special Dept Expense-1099 Repor	6,986	8,190			
2840 Special Dept Expense	2,133	102,418	158,000	8,000	16,000
2850 Law Enforcement Special Expense	25,670	29,685	30,000	30,000	30,000
2860 Library Materials	18,403	11,316	9,000	9,000	9,000
2931 Travel & Transportation	23,425	28,252	30,000	30,000	30,000
2941 County Vehicle Mileage	980	765	5,000	5,000	5,000
<b>Total Services &amp; Supplies</b>	<b>1,329,400</b>	<b>1,367,562</b>	<b>1,357,510</b>	<b>1,222,405</b>	<b>1,285,985</b>
<b>Other Charges</b>					
3066 Victim Compensation Services	8,676	6,925			
<b>Total Other Charges</b>	<b>8,676</b>	<b>6,925</b>			
<b>Fixed Assets</b>					
4451 Equipment		72,891			
<b>Total Fixed Assets</b>		<b>72,891</b>			
<b>Charges From Departments</b>					
5051 I/T - Communications			6,480	6,480	6,480
5291 I/T Maintenance - Computer Equipm			2,000	2,000	2,000
5310 I/T Employee Group Insurance	197,093	234,643	304,334	304,334	304,334
5405 I/T Maintenance - Bldgs & Improvem	45,972	34,937	85,032	85,032	85,032
5456 I/T Miscellaneous Expense	2,109	2,580			
5523 I/T Office Supplies & Expenses		58			
5527 I/T Prof Services A-87 Costs			632,241	632,241	632,241
5552 I/T - MIS Services	451,972	285,202	423,982	423,982	423,982

# District Attorney

## Public Safety Operations Fund

**Fund: 110**

**Subfund: 0**

**Appropriation: 21710**

Budget Category (1)	Actual 2003-04 (2)	Actual 2004-05 (3)	Dept Req 2005-06 (4)	CEO Rec 2005-06 (5)	BOS Adopted 2005-06 (6)
5553 I/T - Revenue Services Charges	2,260	1,263	1,010	1,010	1,010
5555 I/T Prof/Special Services - Purchase			10,000	10,000	10,000
5556 I/T - Professional Services	102,308	111,776	119,000	119,000	119,000
5965 I/T Utilities	69,133	66,832	72,589	72,589	72,589
<b>Total Charges From Departments</b>	<b>870,847</b>	<b>737,291</b>	<b>1,656,668</b>	<b>1,656,668</b>	<b>1,656,668</b>
<b>Gross Budget</b>	<b>10,880,791</b>	<b>11,710,183</b>	<b>14,536,714</b>	<b>14,140,053</b>	<b>14,924,133</b>
<b>Less: Charges to Departments</b>					
5002 I/T - County General Fund	(46,021)	(37,494)			
5011 I/T - Public Safety Fund	(22,295)	(24,511)	(57,359)	(57,359)	(57,359)
<b>Total Charges to Departments</b>	<b>(68,316)</b>	<b>(62,005)</b>	<b>(57,359)</b>	<b>(57,359)</b>	<b>(57,359)</b>
<b>Net Budget</b>	<b>10,812,475</b>	<b>11,648,178</b>	<b>14,479,355</b>	<b>14,082,694</b>	<b>14,866,774</b>
<b>Less: Revenues</b>					
6851 Vehicle Code Fines-Alcohol	(74,314)	(68,569)	(60,100)	(60,100)	(60,100)
6860 Forfeitures & Penalties	(2,031)	(1,391)	(2,500)	(2,500)	(2,500)
6862 Consumer Fraud Fines	(61,634)	(2,986)	(40,000)	(40,000)	(40,000)
7134 Tobacco Tax (Prop 10)	12,155	(11,444)			
7210 Elder Abuse	(109,744)	(109,525)	(110,000)	(110,000)	(110,000)
7211 State Aid Auto Insurance Fraud	(9,685)	(29,135)	(25,000)	(25,000)	(25,000)
7232 State Aid - Other	(33,261)	(33,261)	(33,261)	(33,261)	(33,261)
7234 State Aid - Mandated Costs		(1,560)			
7292 Aid from Other Governmental Ag	(68,570)	(83,078)	(75,095)	(75,095)	(75,095)
7296 Aid from Children & Families 1st	(71,794)	(38,556)	(50,561)	(50,561)	(50,561)
7309 State Criminal Restitution Prog	(23,934)				
7336 State - Victim/Witness Program	(187,184)	(188,776)	(188,776)	(188,776)	(188,776)
7337 State BOC Burial Grant	(10,343)	(2,223)			
7338 State Aid - Child Abuse Vertical P	(151,675)	(136,439)	(136,439)	(136,439)	(136,439)
7339 State - DA - Bd of Control	(234,013)	(253,652)	(254,857)	(254,857)	(254,857)
7392 State Highway Users Tax - 2182	(600)				
7402 State Aid AB90 Realign	(134,323)				
7424 State Aid - Public Safety Service	(3,644,418)	(4,044,291)	(4,209,613)	(4,209,613)	(4,395,531)
7426 State Aid Public Asst Rlgnd Grow	(2,932)				
7457 State Aid - Workers Comp Insur	(13,132)	(7,056)	(10,000)	(10,000)	(10,000)
7467 State Aid Supplemental Law Enf	(79,753)	(83,240)	(83,240)	(83,240)	(83,240)
7469 State Aid - Statutory Rape	(1)				
8122 Legal Services	(24,794)	(21,975)	(28,364)	(28,364)	(28,364)
8212 Other General Reimbursement	(716)				
8218 Forms and Photocopies	(15,298)	(13,399)	(20,000)	(20,000)	(20,000)
8219 Casino - Sales Tax In Lieu	(9,525)	(11,946)			
8746 Grants-Private Funds		(89,211)			
8762 State Compensation Insurance R		(3,698)			
8764 Miscellaneous Revenues	(495)	(8,617)			
8765 Restitution	(136)				
8779 Contributions from General Fun	(6,840,547)	(6,840,547)	(6,840,547)	(7,278,337)	(7,760,608)
8958 Capital Lease Proceeds		(51,256)			
8985 Contributions			(632,241)	(632,241)	(632,241)
<b>Total Revenues</b>	<b>(11,792,697)</b>	<b>(12,135,831)</b>	<b>(12,800,594)</b>	<b>(13,238,384)</b>	<b>(13,906,573)</b>
<b>Net County Cost</b>	<b>(980,222)</b>	<b>(487,653)</b>	<b>1,678,761</b>	<b>844,310</b>	<b>960,201</b>